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March 2, 2017

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423-0001

Re: Finance Docket No. 31340, Wisconsin and Calumet Railroad Company, Inc. – Notice of Modified Certificate of Public Convenience and Necessity – Rail Line between Mazomanie to Prairie du Sac, WI

Dear Ms. Brown:

Pursuant to 49 C.F.R. §1150.24, the Wisconsin and Southern Railroad, L.L.C., (WSOR), hereby provides to the Surface Transportation Board (the Board) and the State of Wisconsin through its Department of Transportation (WisDOT) notice of its intent to terminate service under the modified certificate of public convenience and necessity on a rail line owned by WisDOT, extending approximately 5.11 miles, beginning near milepost 7.96,¹ near the Village of Sauk City, in Sauk County, Wisconsin, to milepost 13.07,² near the City of Prairie du Sac, in Sauk County, Wisconsin, through Zip Codes 53578 and 53583 in Sauk County (“the instant rail line”). No shippers have used this line for more than six months.

On Service Date October 28, 1988, the Interstate Commerce Commission (I.C.C.) issued a Modified Rail Certificate to the Wisconsin and Calumet Railroad Company, Inc. (WICT), to

¹ Milepost 7.96 is further described as the 89.72755 W lat., 43.26541 N long., or the eastern extent of Water Street.

² Milepost 13.07 is further described as the point S89 degrees 51'22"W 87.44 feet along the South line of the Northwest 1/4 of Section 23, Township 10 North, Range 6 East from center of Said Section 23.

operate on a rail line, of which the instant rail line is a segment, between Mazomanie, Wisconsin (milepost 0.07) and Prairie du Sac, Wisconsin (milepost 13.07), a distance of approximately 13 miles. This longer rail line, including the instant rail line, was acquired by WisDOT after the previous operator, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, (MILW) became bankrupt and discontinued service, and I.C.C. authorized their abandonment.³

In 1992, WICT was purchased by the Wisconsin & Southern Railroad Co., which is succeeded by the current operator, WSOR. The instant rail line, extending approximately 5.11 miles, beginning near milepost 7.96 near the Village of Sauk City, in Sauk County, Wisconsin, to milepost 13.07, near the City of Prairie du Sac, in Sauk County, Wisconsin, through Zip Codes 53578 and 53583 in Sauk County, is currently non-operational, and there have been no shippers and no rail service has been provided on the line for many years.

WSOR joins in the concurrently-filed request of the Wisconsin Department of Natural Resources (WDNR) for issuance of a Notice of Interim Trail Use (NITU) under 49 C.F.R. §1152.29 for the instant rail line, and supports a trails use/rail banking agreement between landowner WisDOT and WDNR. The Board and its predecessor have held that an NITU may be issued in a proceeding where notice is filed under 49 C.F.R. §1150.24 to terminate operations under a modified certificate. *See, e.g., Mitchell-Rapid City Regional Railroad Authority – Termination of Modified Rail Certificate and Notice of Interim Trail Use or Abandonment – between Caputa and Rapid City, SD*, Finance Docket No. 35149 (STB served April 28, 2009); *Sammamish Transportation Company – Notice of Interim Trail Use and Termination of Modified Certificate*, Docket No. 33398 (Sub-No. 1) (STB served February 26, 1998); *Wisconsin & Calumet Railroad Company, Inc. – Notice of Interim Trail Use and Termination of*

³ Docket No. AB-7 (Sub-No. 99), Chicago, M. St.P., Pac. R. Co. – Aband. – Middleton Richland Center, WI (not printed), served May 6, 1982.

Modified Certificate, Finance Docket No. 30724 (Sub-No. 1) (I.C.C. served August 8, 1989). In 1994, the I.C.C. upheld this practice in this same docket. See Wisconsin & Calumet Railroad Company, Inc. – Termination of Modified Rail Certificate and Notice of Interim Trail Use, Finance Docket No. 31340, (STB served November 10, 1994).

I certify that, in accordance with 49 C.F.R. §1150.24(a), a copy of this notice of intent to terminate service has been filed with the State of Wisconsin through its Department of Transportation.

Thank you and please contact me if you have any questions or concerns.

Respectfully submitted,

A handwritten signature in blue ink that reads "Karl Morell". The signature is written in a cursive, flowing style.

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